IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.6.2007

Coram:

The Hon'ble Mr.JUSTICE S.RAJESWARAN

W.P.No.6147 of 2007

Kala Agencies
Rep., by its Proprietrix: Mrs.R.Kalavalli
No.2, Maran Nagar Extension
Poonamallee
Chennai-600 056. .. Petitioner

vs.

1.The General Manager
Indian Oil Corporation Limited
Regional Office
13, Nungambakkam High Road
Chennai-600 034.

2.Mr.T.Raju
The Chief LPG Manager(South) TNSO
Regional Office, IOC
13, Nungambakkam High Road
Chennai-600 034.

3.A.Bala Ravi
The Chief Area Manager
Indian Oil Corporation Limited
Indane Area Office
500, Anna Salai
Tenampet
Chennai-600 018. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari, calling for the records relating to the impugned order dated 5.2.2007, imposing and demanding fine of Rs.1.95 lakhs, passed by he 3rd respondent and quash the same and all further proceedings as arbitrary, malafide, vindictive, unlawful and violative of principles of natural justice.

For Petitioner : M/s.R.Sivaprakasam
For 3rd Respondent : M/s.Anand Abdul & Vinod, for R3.
For Respondents 1 and 2 : No Appearance

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ORDER:

The petitioner being a distributor of Indane Gas (LPG) carrying on business under the name and style of Kala Agencies was served with a notice by the 3rd respondent dated 17.7.2006 calling for explanation for the lapses committed by the petitioner like releasing new connections to the customers without obtaining proof of residence etc. Subsequently fine was also levied by the respondents and challenging the same the above writ petition has been filed.

2.On notice, the respondents have filed a counter and primarily contended that the writ petition is not maintainable since, as per clause 37(a) of the dealership agreement dated 30.3.1996 dispute could be resolved only by arbitration. Now a dispute has arisen between the petitioner and the respondents, and the same would have to be resolved only by way of arbitration. It is also stated by them that both parties initiated steps for appointing an arbitrator.

3.In view of the above, the parties are directed to pursue the steps for appointment of arbitrator and resolve their dispute at the earliest. All the contentions and issues raised by the petitioner before this court can be raised before the arbitrator.

4.With the above direction, this writ petition is disposed of. No costs. M.P.Nos.1, 2 and 3 of 2007 are closed.

sks

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The General Manager
Indian Oil Corporation Limited
Regional Office
13,Nungambakkam High Road
Chennai-600 034.

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2.The Chief LPG Manager(South) TNSO
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3.The Chief Area Manager
Indian Oil Corporation Limited
Indane Area Office
500, Anna Salai
Tenampet
Chennai-600 018.

+ 1 cc to Mr. K. Anand Abdul & Vinodh, Advocate, SR No.34637

+ 1 cc to Mr. R. Sivaprakasam, Advocate, SR No.34507

BK(CO)
SR/22.6.2007

W.P.6147/07

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